

Department of Education

Regulations Governing Educational Services for Gifted Students

(8 VAC 20-40-10 through 8 VAC 20-40-70)

Adopted by the Board of Education, Commonwealth of Virginia

February 25, 1993

PREAMBLE

Article VIII, Section 1 of the Virginia Constitution delineates the General Assembly's responsibility for education as follows:

"... shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth and shall seek to ensure that an educational program of high quality is established and continually maintained."

Section 2 of Article VIII requires the Board of Education to prescribe ". . . Standards of Quality for the several school divisions. . ." Standard 1 of such Standards of Quality, as enacted by the General Assembly, requires each school division to "...conduct a program acceptable to the Board of Education for the early identification of gifted and talented students." It is further stated that "...each school division shall offer appropriately differentiated instructional opportunities in accordance with guidelines of the Board of Education for identified gifted and talented students."

The requirements which follow set forth procedures for the development and operation of division-wide special services for gifted students. These requirements, when coupled with the Virginia Plan for the Gifted, provide guidelines to meet the aforesaid statutory requirements.

8 VAC 20-40-10. Applicability

These Regulations shall apply to all local school divisions in the Commonwealth.

*Effective date: February 22, 1995 as per Virginia Register of Regulations, Vol. II, Issue 9

8 VAC 20-40-20. Definitions

The words and terms, when used in these Regulations, shall have the following meaning, unless the content clearly indicates otherwise:

"Appropriately Differentiated Curricula" for gifted students refer to curricula designed in response to their cognitive and affective needs. Such curricula provide emphasis on both accelerative and enrichment opportunities for advanced content and pacing of instruction, original research or production, problem finding and solving, higher level thinking that leads to

the generation of products, and a focus on issues, themes, and ideas within and across areas of study.

"Gifted Students" means those students in public elementary and secondary schools beginning with kindergarten through graduation whose abilities and potential for accomplishment are so outstanding that they require special programs to meet their educational needs. These students will be identified by professionally qualified persons through the use of multiple criteria as having potential or demonstrated abilities and who have evidence of high performance capabilities, which may include leadership, in one or more of the following areas:

1. Intellectual Aptitude(s). Students with advanced aptitude or conceptualization whose development is accelerated beyond their age peers as demonstrated by advanced skills, concepts, and creative expression in multiple general intellectual ability or in specific intellectual abilities.
2. Specific Academic Aptitude. Students with specific aptitudes in selected academic areas: mathematics; the sciences; and/or the humanities as demonstrated by advanced skills, concepts, and creative expression in those areas.
3. Technical and Practical Arts Aptitude. Students with specific aptitudes selected technical or practical arts as demonstrated by advanced skills and creative expression in those areas to the extent they need and can benefit from specifically planned educational services differentiated from those provided by the general program experience.
4. Visual or Performing Arts Aptitude. Students with specific aptitudes in selected visual or performing arts as demonstrated by advanced skills and creative expression who excel consistently in the development of a product or performance in any of the visual and performing arts to the extent that they need and can benefit from specifically planned educational services differentiated from those generally provided by the general program experience.

"Identification" is the process of reviewing student data collected at the screening level and conducting further evaluation of student potential to determine the most qualified students for the specific gifted services available.

"Identification/Placement Committee" means a standing committee which is composed of a professional who knows the child, classroom teacher(s), others representing assessment specialists, gifted program staff, school administration, and others deemed appropriate. This committee may operate at the school or division level. In either case, consistent criteria must be established for the division.

"Placement" means the determination of the appropriate educational option(s) for each eligible student.

"Screening" is the process of creating the pool of potential candidates using multiple criteria through the referral process, review of test data, or from other sources. Screening is the active search for students who should be evaluated for identification.

"Service Options" include the instructional approach(es), setting(s), and staffing selected for the delivery of appropriate service(s) that are based on student needs.

"Student Outcomes" are specified expectations based on the assessment of student cognitive and affective needs. Such outcomes should articulate expectations for advanced levels of performance for gifted learners.

8 VAC 20-40-30. Applicability

The requirements set forth in this section are applicable to local school divisions providing educational services for gifted students in elementary and secondary schools from kindergarten through graduation.

8 VAC 20-40-40. Identification

A. Each school division shall establish a uniform procedure with common criteria for screening and identification of gifted students. If the school division elects to identify students with specific academic aptitudes, they shall include procedures for identification and service in mathematics, science and the humanities. These procedures will permit referrals from school personnel, parents, or legal guardians, other persons of related expertise, peer referral and self-referral of those students believed to be gifted. Pertinent information, records, and other performance evidence of referred students will be examined by a building level or division level identification committee. Further, the committee(s) will determine the eligibility of the referred students for differentiated program services. Students who are found to be eligible by the Identification/Placement Committee shall be offered a differentiated program services by the school division.

B. Each school division shall maintain a division review procedure for students whose cases are appealed. This procedure shall involve individuals, the majority of whom did not serve on the Identification/Placement Committee.

8 VAC 20-40-50. Criteria for Screening and Identification

Eligibility of students for programs for the gifted shall be based on multiple criteria for screening and identification established by the school division, and designed to seek out high aptitude in all populations. Multiple criteria shall include four or more of the following categories:

1. Assessment of appropriate student products, performance, and/or portfolio;
2. Record of observation of in-classroom behavior;
3. Appropriate rating scales, checklists, and/or questionnaires;

4. Individual interview;
5. Individual or group aptitude tests;
6. Individual or group achievement tests;
7. Record of previous accomplishments (such as awards, honors, grades, etc.)
8. Additional valid and reliable measures or procedures.

If a program is designed to address general intellectual aptitude, aptitude measures must be included as one of the categories in the division identification plan. If a program is designed to address specific academic aptitude, an achievement or an aptitude measure in the specific academic area must be included as one of the categories in the division identification plan. If a program is designed to address either the visual/performing arts or technical/practical arts aptitude, a performance measure in the specific aptitude area must be used. Inclusion of a test score in a division identification plan does not indicate that an individual student must score at a prescribed level on the test(s) to be admitted to a program. No single criterion shall be used in determining students who qualify for, or are denied access to, programs for the gifted.

8 VAC 20-40-60. Local Plan

A. Each school division shall submit to the Department of Education for approval a plan for the education of gifted students. Modifications to the plan shall be reported to the Department of Education on dates specified by the Department. The plan shall include the components as follows:

1. A statement of philosophy;
2. A statement of program goals and objectives;
3. Procedures for the early and on-going identification and placement of gifted students beginning with kindergarten through secondary graduation, in at least one of the four defined areas of giftedness;
4. A procedure for notifying parents/legal guardians when additional testing or additional information is required during the identification process and for obtaining permission prior to placement of students in an appropriate program.
5. A policy for notifying gifted students' change of placement within, and exit from a program, which includes an opportunity for parents who disagree with the committee(s) decision to meet and discuss their concern(s) with an appropriate administrator;
6. Assurances that records are maintained according to "Management of Student's Scholastic Record in the Public Schools of Virginia;"

7. Assurances that (i) testing and evaluative materials selected and administered are sensitive to cultural, racial, and linguistic differences, (ii) identification procedures are constructed so that they identify high potential/ability in all underserved culturally diverse, low socio-economic, and disabled populations; (iii) standardized tests have been validated for the specific purpose for which they are used; (iv) instruments are administered and interpreted by trained personnel in conformity with the instructions of their producer;
8. A procedure to identify and evaluate student outcomes based on the initial and ongoing assessment of their cognitive and affective needs;
9. A procedure to match service options, including instructional approach(es), setting(s), and staffing, to designated student needs;
10. A framework for appropriately differentiated curricula indicating accelerative and enrichment opportunities in content, process, and product;
11. Procedures for the selection/evaluation of teachers and for the training of personnel to include administrators/supervisors, teachers, and support staff;
12. Procedures for the appropriate evaluation of the effectiveness of the school division's program for gifted students.
13. Other information as required by the Department of Education.

B. Each school division shall establish a local advisory committee composed of parents, school personnel and other community members. This committee shall reflect the ethnic and geographical composition of the school division. The purpose of this committee shall be to advise the school board through the division superintendent of the educational needs of all gifted students in the division. As a part of this goal, the committee shall review annually the local plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The recommendations of the advisory committee shall be submitted in writing through the division superintendent to the school board.

8 VAC 20-40-70. Funding

State funds administered by the Department of Education for the education of gifted students shall be used to support only those services identified in the school division's plan as approved by the Board of Education.

Statutory Authority: §22.1-16 and §22.1-253.13.1 of the *Code of Virginia*

Historical Notes

Derived from VR 270-01-002 §2.5; eff. June 25, 1986; amended Virginia Register Volume 11, Issue 9, eff. February 27, 1995.